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Rebecca McDowell Cook

**Secretary of State**

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule.

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## HOW TO CITE RULES AND RSMo

**RULES**—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 24, *Missouri Register*, page 27. The approved short form of citation is 24 MoReg 27.

The rules are divided in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation, i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

**RSMo**—Cite material in the RSMo by date of legislative action. The note in parentheses gives the original and amended legislative history. The Office of the Revisor of Statutes recognizes that this practice gives users a concise legislative history.

**R**ules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

**R**ules filed as emergency rules may be effective not less than ten days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

**A**ll emergency rules must state the period during which they are in effect, and in no case can they be in effect more than 180 calendar days or 30 legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

*extended by the Missouri and United States Constitutions. The duration of the emergency amendment is limited to the time necessary to provide adequate registration supplies for upcoming elections. Emergency amendment filed September 26, 2000, effective October 6, 2000, expires April 3, 2001.*

(5) The postcard voter application form which is incorporated herein by reference shall be reproduced in the following form:

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 4—Postcard Voter Application and Forms**

**EMERGENCY AMENDMENT**

**15 CSR 30-4.010 Postcard Voter Application and Forms.** The division is replacing the form that follows this rule in the *Code of State Regulations*.

*PURPOSE: This amendment clarifies language related to the use and dissemination of information collected on, and replaces the postcard voter application form.*

*EMERGENCY STATEMENT: This emergency amendment replaces and corrects the disclaimer language on the bottom of the Missouri Voter Registration Application form. This amendment must be promulgated as an emergency in order to preserve the compelling governmental interest of providing sufficient and accurate postcard voter registration forms prior to the 2000 general election voter registration deadline. The Secretary of State's office is currently without an adequate supply of voter registration application cards. Without this emergency the office will be required to order additional cards at taxpayer expense that may not strictly comply with federal law. A proposed amendment covering the same material will be submitted at the same time for publication in the Missouri Register to allow for public comment to assure fairness to all interested persons and parties and to comply with the protections*

MISSOURI VOTER REGISTRATION APPLICATION

USE PEN - PLEASE PRINT CLEARLY

PC

YOUR APPLICATION WILL BE CONFIRMED BY MAIL WITHIN 7 BUSINESS DAYS. CONTACT THE ELECTION AUTHORITY IF YOU DO NOT RECEIVE NOTIFICATION.

1 <input type="checkbox"/> NEW REGISTRATION <input type="checkbox"/> ADDRESS CHANGE <input type="checkbox"/> NAME CHANGE			FOR OFFICE USE ONLY REGISTRATION NO.		
2 Mr. Mrs. Miss Ms.	LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX (CIRC. F) JR. SR. II III IV	
3 ADDRESS WHERE YOU LIVE (HOUSE NO., STREET, APT. NO. OR RURAL ROUTE AND BOX NO.)			CITY	COUNTY	ZIP CODE
4 ADDRESS WHERE YOU GET YOUR MAIL (IF DIFFERENT FROM #3 ABOVE)			CITY	STATE	ZIP CODE
5 DATE OF BIRTH PLACE OF BIRTH (OPTIONAL)*		6 LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER**	7 DAYTIME PHONE NO. (OPTIONAL)*		
8 NAME AND ADDRESS ON LAST VOTER REGISTRATION NAME _____ ADDRESS _____ CITY _____ STATE _____ COUNTY _____			10 I hereby certify that I am a citizen of the United States and a resident of Missouri. I am at least seventeen and one half years of age. I have not been adjudged incapacitated by any court of law. If I have been convicted of a felony or a misdemeanor connected with the right of suffrage, I have had the voting disabilities from such conviction removed pursuant to law. I swear under penalty of perjury that all statements made on this card are true to the best of my knowledge and belief.  Date _____ Signature _____		
9 RURAL VOTERS. COMPLETE THIS SECTION IF YOU LIVE OUTSIDE THE CITY LIMITS OF ANY CITY. I live _____ miles N S E W (circle one) of _____ (landmark or junction). Section, Township and range _____ My neighbors are _____					

Warning: Conviction for making a false statement may result in imprisonment for up to five years and/or a fine up to \$10,000.

MO 231-0169 (8-99)

\*Information designated as optional is disclosed at the option of the registrant and will be used only by authorized officials to combat voter fraud and facilitate orderly elections.  
\*\*Required for registration unless no Social Security number exists for applicant.

PLACE  
FIRST  
CLASS  
STAMP  
HERE

MISSOURI VOTER REGISTRATION

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ MO \_\_\_\_\_



*AUTHORITY: sections 115.155.5 and 115.159, RSMo [Supp. 1998] Supp. 1999. Emergency rule filed Nov. 10, 1993, effective Nov. 20, 1993, expired March 19, 1994. Emergency rule filed Feb. 23, 1994, effective March 20, 1994, expired May 8, 1994. Original rule filed Nov. 10, 1993, effective May 9, 1994. Amended: Filed Aug. 27, 1999, effective Feb. 29, 2000. Emergency amendment filed Sept. 26, 2000, effective Oct. 6, 2000, expires April 3, 2001. A proposed amendment covering this same material is published in this issue of the Missouri Register.*

**Title 19—DEPARTMENT OF HEALTH  
Division 10—Office of the Director  
Chapter 4—Coordinated Health Care Services**

**EMERGENCY AMENDMENT**

**19 CSR 10-4.020 J-1 Visa Waiver Program.** The department proposes to amend paragraphs (2)(A)13. and (7)(C)1. and sections (3), (5), (6), and (7); to add subsections (3)(A), (3)(B), (5)(A), (6)(A), (6)(B), and (7)(C)3.; and to renumber the affected sections.

*PURPOSE: This emergency amendment is to add: (1) the requirement and the criteria for a facility to be predetermined as eligible to participate in the J-1 Visa Program; (2) the ability of the Department to determine that emergency rooms are primary care clinical settings and may participate in the J-1 Visa Program; (3) the ability and the criteria necessary for physicians trained in other specific high need specialties besides primary care to participate in the J-1 Visa Program; and (4) a biannual reporting requirement for facilities that participate in the J-1 Visa Program.*

*EMERGENCY STATEMENT: The emergency amendment is to add: (1) the requirement and the criteria for a facility to be predetermined as eligible to participate in the J-1 Visa Program; (2) the ability of the Department to determine that emergency rooms are primary care clinical settings and may participate in the J-1 Visa Program; (3) the ability and the criteria necessary for physicians trained in other specific high need specialties besides primary care to participate in the J-1 Visa Program; and (4) a biannual reporting requirement for facilities that participate in the J-1 Visa Program. The J-1 Visa program allows physicians to practice in medically underserved areas. Each of these new requirements directly affects the eligibility of physicians and facilities employing such physicians to participate in the J-1 Visa program. The federal fiscal year begins on October 1, 2000. The beginning of the federal fiscal year initiates the Department's ability to request waivers for selected physicians to participate in the J-1 Visa program. Absent this emergency amendment, the Department will be precluded from placing emergency room physicians and other selected high need specialties in underserved communities and facilities. As a result, the Department finds an immediate danger to the public health and welfare and a compelling government interest, which require emergency action. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Department believes this emergency amendment is fair to all interested persons and parties under the circumstances. The emergency amendment was filed on September 19, 2000, effective September 29, 2000, expires March 27, 2001.*

(2) The department is committed to assisting all residents of Missouri to have access to quality, affordable health care. Therefore, under certain conditions, the department is prepared to consider recommending a waiver of the foreign residence requirement on behalf of physicians holding J-1 visas.

(A) A waiver request must come from a Missouri health care facility on behalf of a J-1 physician and not directly from a J-1 physician. All of the required information and documentation must be submitted in a single package with the documents presented in the order in paragraphs (2)(A)1.-14. Waiver requests that do not comply with these requirements will not be considered. The required documents include:

1. A letter from the head of the facility at which the physician will be employed that—

A. Requests that the department act as an interested government agency and recommend a waiver for the J-1 physician;

B. Summarizes how the health care facility has attempted to locate qualified United States physicians;

C. Describes the physician's qualifications, proposed responsibilities and how his/her employment will satisfy important unmet health care needs of a medically underserved rural community; and

D. States unequivocally that the facility is offering the physician at least three (3) years of employment in a job consistent with the department's mission;

2. A detailed description of the health care facility will be provided, including the nature and extent of the facility's medical services;

3. Valid contract of employment with the health care organization for not less than three (3) years;

4. List of HPSAs or documentation from state and local health care officials stating need for services of the physician;

5. Recruitment and retention efforts including copies of advertisements, agreements with placements services or other like documentation, and if these are not available, a detailed statement describing recruitment efforts. A statement should be submitted detailing the plans for retaining the physician during and beyond the three (3)-year obligation;

6. Effect on area of waiver denial;

7. Qualifications, including proof of Missouri medical licensure eligibility;

8. Physician's curriculum vitae and letters of recommendation;

9. Copies of all IAP-66s of physician, copies of I-94s of physician and family members, and proof of passage of examinations required by the United States Immigration and Naturalization Service;

10. Completed physician data sheet (attached as Appendix A);

11. Completed J-1 visa waiver policy affidavit and agreement (attached as Appendix B);

12. Valid offer of employment with health care organization for at least three (3) years;

13. *[A copy of the no objection letter from the home government] A copy of the notice from the department that the facility has been pre-determined eligible for participation in the program;* and

14. An original and one (1) unbound copy of the entire package should be included.

(3) Missouri health care facilities seeking to employ a foreign medical graduate holding a J-1 visa *[may request a packet of materials and instructions detailing the information and documentation that is required in order to submit an appropriate case file for review from the department's Center for Local Public Health Services] must be pre-determined by the department as eligible for participation in the J-1 Visa Waiver Program.*

**(A) Eligible applicants will provide the department the following information and assurances:**

1. **Estimated enumeration of the patient population to be served.**

2. Description of demographic characteristics of the population(s) to be served, including age groups, ethnicity, poverty status, health status and insurance coverage.

3. A copy of the sliding fee scale and the applicable policy utilized by the facility.

(B) Eligible applicants may request a packet of materials and instructions detailing the information and documentation that is required in order to submit an appropriate case file for review from the department.

(5) The department's J-1 Visa Waiver Program in Missouri *[is limited]* will give priority to those physicians who are board-eligible or board-certified in one (1) of the following specialties: Family Practice, General Practice, General Pediatrics, Obstetrics/Gynecology, General Internal Medicine or Psychiatry and providing services in a primary care clinical setting. Physicians with other subspecialties or fellowship experience are not considered to be primary care physicians for the purpose of the J-1 Visa Waiver Program in Missouri *[and therefore are not eligible for participation]*. The credentials of the J-1 physician must be confirmed by the Missouri Board of Healing Arts. The physician must be eligible for licensure in Missouri.

(A) The department may determine emergency rooms to be primary care clinical settings where substantial amounts of primary care services are delivered in that setting. In order to qualify for participation, the sponsoring facility must provide the following:

1. The number and types of primary care encounters in the emergency room.
2. The demographic characteristics of the populations accessing primary care services in the emergency room.
3. The payor source for primary care services in the emergency room.
4. Documentation that primary care services for the identified population(s) are not available in the community.

(6) In addition to the eligible physicians set forth in subsection (5), waivers may be recommended for other specialties and subspecialties.

(A) Physicians trained in other specialties may be considered for placement in the J-1 Visa Program in Missouri based on the following criteria:

1. Vacant slots in the Program must be available; and
2. The employer must demonstrate that the specialist services are essential to the medical needs of the underserved; and
3. The specialty physician's application must have the concurrence in writing of the primary care physicians practicing in the community that the specialty is needed in the area; and
4. The specialty physician's application must comply with all other requirements of the J-1 Visa Program.

(B) Only four (4) slots will be allocated to specialty placement in any given Program year.

*[[6]]* (7) It is the responsibility of the physician and the employer to meet Missouri's licensing and credentialing requirements as delineated by the Missouri Board of Healing Arts.

*[[7]]* (8) A request for a J-1 visa waiver for a physician to enter private practice shall comply with the following:

- (A) The practice must be located in a HPSA;
- (B) The owner of the practice must be the employer for the J-1 physician and must submit a letter of support for the J-1 visa waiver request;
- (C) The practice employer must—

1. Certify that it will provide *[primary]* health care services to all patients, including Medicare and Medicaid patients, without regard to ability to pay or the source of payment and must include

a sliding fee scale for adjusting patient bills for those who are unable to pay; and

2. Conspicuously post the sliding fee scale in the practice site, in the language(s) of patients receiving services; and

3. Provide the department two (2) reports each calendar year detailing the following:

- A. The number of patients covered by sliding fee scale services.
  - B. The number of Medicaid patients served.
  - C. The number of Medicare patients served.
  - D. The total number of patients served.
  - E. The demographic characteristics of patients served, including data on age, gender, and ethnicity.
  - F. Evaluation of services provided and community need.
- (D) All other J-1 visa waiver requirements remain in effect.

*[[8]]* (9) A physician must work at the facility for a minimum of three (3) years. If the physician fails to fulfill the terms of the contract with the facility, the facility must notify the department. This information will be forwarded to Immigration and Naturalization Services and other agencies as necessary.

*[[9]]* (10) A physician who is practicing under a J-1 visa in another state who wishes to practice in a HPSA in Missouri and obtain a J-1 visa waiver may do so only under the following conditions:

- (A) The physician must complete the J-1 visa waiver application process in Missouri and obtain a Missouri medical license prior to commencing practice;
- (B) The physician should make no plans for the transfer or to move personal possessions until the department has approved the request. The physician retains sole responsibility for notifying the employer of the intent to transfer, and payment of any financial penalty caused by a breach of contract, as determined by the employer; and
- (C) All other J-1 visa waiver requirements remain in effect.

*[[10]]* (11) A physician with a J-1 visa waiver who is practicing in Missouri who wishes to transfer to another HPSA in Missouri may do so under the following conditions:

- (A) At least sixty (60) days in advance of the proposed change, the physician must notify the department of the new practice site address, telephone number, site director and the effective date of the proposed change;
- (B) The reason for the transfer must be explained in the written notice;
- (C) A new J-1 visa waiver employer contract must be submitted to the department prior to approval of the transfer; and
- (D) The physician should make no plans for the transfer or moving of personal possessions until the department has issued written approval of the transfer. The physician retains sole responsibility for notifying the employer of the intent to transfer and payment of any financial penalty caused by a breach of contract, as determined by the original employer.

*[[11]]* (12) The department is not responsible for exceptions to or interpretations of these policies which have occurred without the written approval of the director of the department or his/her designee. Applicants should be aware that hospitals or physician recruiters are not expert in the requirements of each state, and should contact the department with any questions.

*[[12]]* (13) The department is not responsible for any practice arrangements or contractual obligations entered into by the physician prior to approval of a J-1 visa waiver request.

*[[13]]* (14) In order to assist and facilitate the placement of primary care practitioners in designated HPSAs in Missouri, the department will provide, upon request, the following information:

- (A) List of designated HPSAs in Missouri;
- (B) List of hospitals located in HPSAs;
- (C) List of community health centers in HPSAs in Missouri; and
- (D) Procedure to request a J-1 visa waiver.

*AUTHORITY: section 191.411.1, RSMo 1994. This rule was previously filed as 19 CSR 50-4.020. Emergency rule filed April 17, 1995, effective April 27, 1995, expired Aug. 24, 1995. Original rule filed April 17, 1995, effective Oct. 30, 1995. Changed to 19 CSR 10-4.020 July 30, 1998. Emergency amendment filed Sept. 19, 2000, effective Sept. 29, 2000, expires March 27, 2001. A proposed amendment covering this same material is published in this issue of the **Missouri Register**.*